

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

BOARD OF TRUSTEES, SHEET	)	
METAL WORKERS' NATIONAL	)	
PENSION FUND, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 1:22cv1294 (PTG/WEF)
v.	)	
	)	
NEW YORK CHUTES, LLC,	)	
	)	
Defendant.	)	
	)	

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**ORDER**

This matter is before the Court on Plaintiffs' Motion for Default Judgment (Dkt. 64) and Defendant's Motion to Set Aside Default (Dkt. 68).

On November 1, 2023, Plaintiffs requested entry of default against Defendant New York Chutes, LLC after Defendant failed to timely respond to the Second Amended Complaint. (Dkt. 62). On November 7, 2023, the Clerk entered default as to Defendant. (Dkts. 63). On November 16, 2023, Plaintiffs filed its Motion for Default Judgment with accompanying memorandum in support and noticed the motion for a hearing before the undersigned on December 8, 2023. (Dkts. 64-66).

On December 7, 2023, counsel for Defendant filed a notice of appearance. (Dkt. 67). That same day, Defendant filed its Motion to Set Aside Default (Dkt. 68) and noticed the hearing for December 8, 2023, the same day as the hearing on Plaintiffs' Motion for Default Judgment. (Dkts. 68-70). During the hearing on December 8, 2023, counsel for Plaintiffs and Defendant appeared before the undersigned.

For reasons stated from the bench, and in accord with specific rulings and instructions thereto, it is hereby

**ORDERED** that Plaintiffs' Motion for Default Judgment (Dkt. 64) is **CONTINUED** to December 22, 2023, at 10:00 a.m.; it is further

**ORDERED** that Defendant's Motion to Set Aside Default (Dkt. 68) is also **CONTINUED** to December 22, 2023, at 10:00 a.m. to give the parties an opportunity to fully brief the matter; it is further

**ORDERED** that briefs on Defendant's Motion to Set Aside Default (Dkt. 68) shall be filed as follows:

Defendant shall have until Monday, December 11, 2023 to file any supplemental documentation in support of its motion;

Plaintiffs shall respond to Defendant's motion by Monday, December 18, 2023; and Defendant shall file any reply brief to Plaintiffs' response by Wednesday, December 20, 2023.

**ENTERED** this 8th day of December, 2023.

*William E. Fitzpatrick*  
WILLIAM E. FITZPATRICK  
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia